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WILLIAM M. MORTON
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Writer's e-mail:
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October 9, 2008

Mr. Jeff S. Jordan
Ms. Kim Collins
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: MUR6072
David Browning vs Missouri Western
State University

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
2008 OCT 9 3 01 PM

Dear Mr. Jordan and Ms. Collins:

I represent Missouri Western State University ("Missouri Western" or the "University") and in that capacity I am responding to your notification of complaint dated September 22, 2008. As confirmation of my representation, I have enclosed the Statement of Designation of Counsel signed by Dr. Robert A. Vartabedian, the President of the University.

In response to the complaint, Missouri Western State University offers the following brief factual background:

The University was approached by the St. Joseph News Press to co-sponsor the debate of the Sixth District Congressional race between Republican Sam Graves and Democrat Kay Barnes. The University initially agreed to co-sponsor the event with the St. Joseph News Press. When the debate was announced, the University was then contacted by Mr. David Browning, the Libertarian candidate for Sixth District Congressional seat.

It is our understanding that the News Press was taking the position that because of Mr. Browning's lack of fund raising and other factors, the News Press did not believe he should be allowed to participate in the debate. Mr. Browning asserted that as a candidate of a valid party legally on the ballot, he should be allowed to participate in the debate.

Based upon internal discussions among the University President and his management staff as well as conversations with me as outside general counsel, the University took the position that it would not co-sponsor the debate unless all qualified candidates who were lawfully on the ballot would be allowed to participate. That decision was communicated to the St. Joseph News Press.

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The University also at that time advised the News Press that the University facilities could still be used for the debate provided the News Press as sole sponsor paid the normal rental fee for the space.

In my capacity as outside general counsel, I also contacted Mr. Browning and advised him initially that the University would review his concerns and that I would contact him once the University reached a decision. As promised, I contacted Mr. Browning by telephone and advised him that the University would not co-sponsor the debate unless he was allowed to participate. That call took place late in the afternoon of Tuesday on which Mr. Browning filed his complaint.

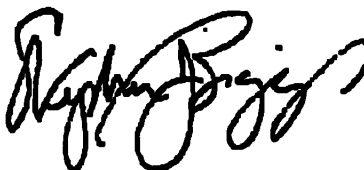
At the time the University made its decision and the time of my telephone call with Mr. Browning, neither the University nor I were aware that a complaint had been filed with the Federal Election Commission. After I advised Mr. Browning of the University's position to not co-sponsor the debate without his participation, he orally informed me that he would withdraw his complaint against the University.

Accordingly, it is the understanding of the University that Mr. Browning has withdrawn his complaint as to the University. As support for this position, I have attached copies of Mr. Browning's emails dated September 11, 2008 (2) and September 12, 2008, in which he confirms the withdrawal of his complaint against the University.

Based on Mr. Browning's withdrawal of his complaint, it appears to me that the issue is resolved and the University should not be required to respond further. Of course, if you have any questions concerning the University's position or need any additional information, please contact me.

Sincerely,

MORTON, REED, COUNTS & BRIGGS, LLC

By 

SJB:jhg

cc: Dr. Robert Vartabedian

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FEDERAL ELECTION COMMISSION

999 E Street, NW

Washington, DC 20463

STATEMENT OF DESIGNATION OF COUNSEL
Please use one form for each Respondent/Client.
FAX (202) 218-3923

MUR # 6072NAME OF COUNSEL: Stephen J. BriggsFIRM: Morrison, Reed, Counts & Briggs, LLCADDRESS: P. O. Box 364, 400 Jules St., Suite 320,St. Joseph, MO 64502TELEPHONE- OFFICE (816) 232-8411FAX (816) 232-8418

The above-named individual and/or firm is hereby designated as my
 counsel and is authorized to receive any notifications and other communications
 from the Commission and to act on my behalf before the Commission.

9-25-08

Date

X Robert C. Hatcher President
 Respondent/Client Signature Title

RESPONDENT/CLIENT Missouri Western State University
 (Please Print)

MAILING

ADDRESS: 4525 Downs DriveSt. Joseph, MO 64507

TELEPHONE-HOME _____

BUSINESS () _____

Information is being sought as part of an investigation being conducted by the Federal Election
 Commission and the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) apply. This section
 prohibits making public any investigation conducted by the Federal Election Commission without
 the express written consent of the person under investigation.

Rev. 2006

Steve Briggs

From: Dave Browning [daveb@davesfriends.org]
Sent: Friday, September 12, 2008 10:53 AM
To: Steve Briggs
Subject: Fwd: [Media] Press Release

Dave Browning
Candidate for US Congress
Missouri 6th District
daveb@davesfriends.org

www.davebrowningforcongress.us

Begin forwarded message:

From: Frank Dunnington <frank.dunnington@davesfriends.org>
Date: September 12, 2008 10:36:00 AM CDT
To: media@davesfriends.org
Subject: [Media] Press Release

For Immediate Release
Friday, September 12, 2008

Dave Browning an Independence, Mo attorney, stated that formal complaints were filed with the Federal Election Commission on 9/11/08 against the NPG Newspapers Inc., The Saint Joseph Area Chamber of Commerce, and the Northland Regional Chamber of Commerce for violation of the debate rules set forth in 11 CFR 110.13.

In related news, DavesFriends.org, the campaign committee for Dave Browning, Candidate for the United States Congress for the Sixth District Of Missouri is pleased to announce that Missouri Western University has announced that it will not act as a sponsor of the candidate debate scheduled for 16 October 2008 unless all candidates on the ballot are included as participants.

Dave Browning stated that he was pleased and gratified that the university had voluntarily looked into its great tradition of supporting the open exchange of ideas, and made this decision. "It shows true character and leadership", Browning said.

Frank Dunnington
Campaign Manager
Dave Browning
Candidate for US Congress
Missouri 6th District

10/7/2008

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